

**Notice of Allowability**

Application No.

10/721,227

Examiner

CUONG H. NGUYEN

Applicant(s)

KANE ET AL.

Art Unit

3661

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/02/05 (the Amendment).
2. ☒ The allowed claim(s) is/are 1-38, 40-54, 56-65; they are renumbered as claims 1-63.
3. ☒ The drawings filed on 11/26/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 3/02/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

CUONG H. NGUYEN  
Primary Examiner  
Art Unit: 3661

***DETAILED ACTION***

1. This Office Action is the answer to the amendment received on 3/02/2005.
2. Claims 1-65 are pending in this application. Claims 39, and 55 are canceled.

***Response to Amendments and Arguments***

3. With respect to the rejections of pending independent claims 1, 17, 34, and 50 applicant's reasons and amendments have been fully considered and are persuasive. Therefore, the rejections of those pending claims have been withdrawn.

***Allowable Subject Matter and Reason for Allowance***

4. As per independent claims 1, and 17: The closest available prior art of Virnot (US Pat.4,179,739 – not using GPS to obtain a wheel size correction factor), and Bingeman (calculating a wheel scale factor error for a golf cart – not the calculation of wheel size for a train as recited in independent claims 1 and 17); these references fail to teach or suggest a system or a method for correcting errors in train movement caused by wear of a wheel of a train, comprising a control unit configuring to:

- determining a new size of the wheel based on the distance traveled and wheel rotation information; calculating a correction factor based on the new wheel size and a nominal wheel size.

5. As per independent claims 34, and 50: The closest available prior art of Virnot (US Pat.4,179,739 – not using GPS to obtain a wheel size correction factor), and Bingeman (calculating a wheel scale factor error for a golf cart – not the calculation of wheel size for a train as recited in independent claims 34 and 50); these references fail to teach or suggest a system or a method for correcting errors in train movement information caused by wear of a wheel of a train, comprising a control unit configuring to:

- determining a wheel sensor distance traveled by the train over the interval based on the train movement information from the wheel sensor; wherein the control unit is configured to ignore wheel rotation distance and positioning system distance when a speed of the train is below a speed threshold.

*Conclusion*

6. Claims 1-38, and 40-54, 56-65 are patentable; claims 49-50 and 64-65 are renumbered as claims 39-40, and 50, 55 (in those orders)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the examiner where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Cuong H. Nguyen*

*CHN*  
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Primary Examiner  
Art Unit 3661